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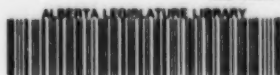
1998 c.v

Metis Settlements Appeal Tribunal
1998 Annual Report

(January 1 - December 31, 1998)

Sessional Paper 592/99

Session, 24 Legislature



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Metis Settlements
Appeal Tribunal

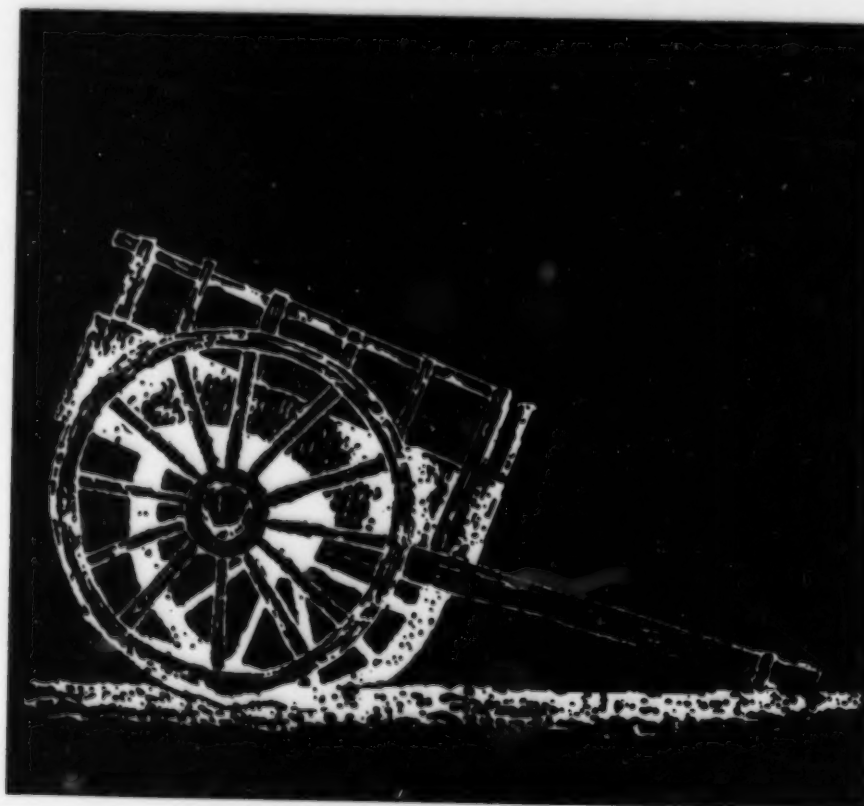
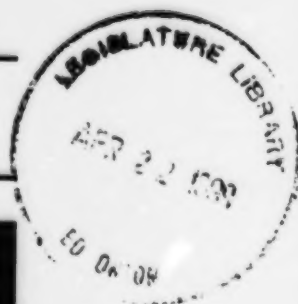


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MISSION

To contribute to the self-sufficiency of Metis life by providing resolution of issues that would affect the progress of Settlements and individuals. In providing this assistance, the Tribunal believes the following are fundamental:

- 1. The Tribunal's principal focus must be to ensure that justice is dispensed, using principles of law as a tool, not as an ultimate objective.*
- 2. Alternative dispute resolution (ADR) mechanisms are incorporated into Tribunal processes so that disputes are settled in an effective and timely way, with the least possible disruption of Metis life and relationships.*
- 3. Decisions of the Tribunal must be carried out using its own processes, supplemented by those of external agencies.*
- 4. To inform Settlement Councils and members as to the role of the Tribunal so that appropriate issues can be brought to the attention of the Tribunal, clearly and without fear.*



METIS SETTLEMENTS APPEAL TRIBUNAL

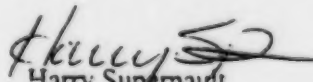


MESSAGE FROM THE TRIBUNAL CHAIRMAN

Over the past year, the Metis Settlements Appeal Tribunal (MSAT) has successfully met the challenges and objectives that were identified in the MSAT Three Year Business Plan. MSAT's achievements are highlighted below:

- Completed MSAT three year business plan – 1998/99 to 2000/01;
- Implemented efficient and effective appeal processes to ensure objectivity and fairness in decision making process;
- Strengthened communication links with the Metis Settlements General Council, the Metis Settlements Transition Commission, Settlement Councils and various interest groups;
- continued quasi-judicial, mediation, and administration training components for Tribunal members and staff;
- Incorporated Alternative Dispute Resolution mechanisms into the appeal process, to ensure that disputes are settled in an efficient and cost effective manner;
- Developed information workshops for delivery to settlement councils and members;
- Demonstrated sound fiscal management within budget allocation

I am proud of the achievements the Tribunal has accomplished this year. I look forward to the challenges in the upcoming year and meeting those challenges with creativity, energy and know how. With the hard work and dedication of the Tribunal members and Administration, we will be a valued and meaningful dispute resolution body for the settlements and their members.

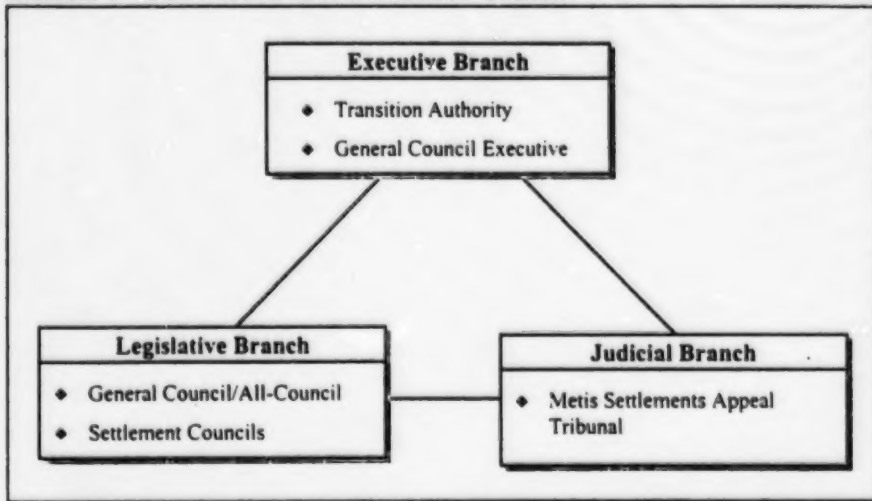

Harry Supernauff
Tribunal Chairman



MOVING FORWARD

The MSAT does not exist in isolation. Rather, it is one organization in a set of organizations established to govern and manage the affairs of Metis Settlement members. As in other governance structures, we can identify the three components of an Executive Branch, Legislative Branch and a Judicial Branch. We show this interrelationship and the representative organizations in Exhibit 1

Exhibit 1 - The MSAT in Governance Context

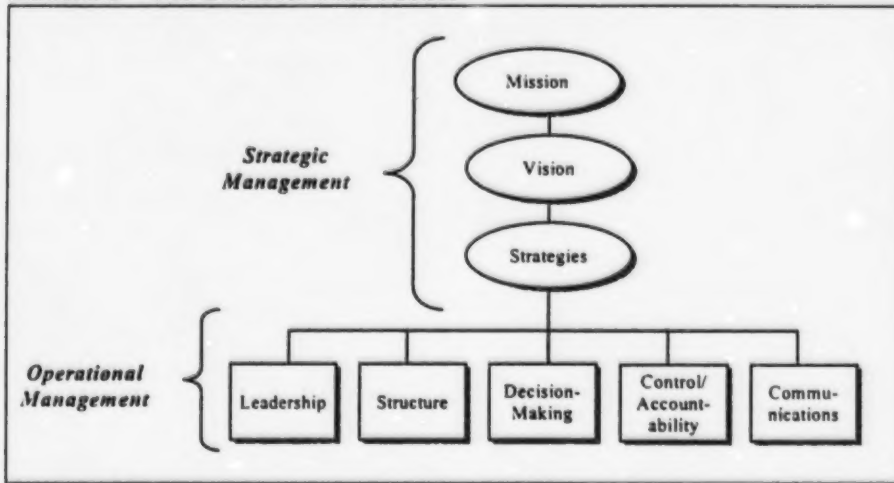


The Executive Branch consists of the Transition Authority (comprising the Minister of Intergovernmental and Aboriginal Affairs, the President of the Metis Settlements General Council and the Commissioner of the Metis Settlements Transition Commission). The purpose of the Transition Authority is to identify and resolve governance issues at the highest level. The Legislative Branch consists of the Metis Settlements General Council, and the All-Council meetings (comprised of the five Councilors from each of the eight Metis Settlements (Metis Settlement Councils, individually, are also part of this Legislative Branch). The Judicial Branch is the Metis Settlements Appeal Tribunal.

We feel it is important to show this set of interrelationships, because as we think about the future of the MSAT and the specific role that it might undertake, the activities of these other participants and their expectations provide significant input to the evolution of the vision for our organization.

We show in Exhibit 2 the business plan model that we have developed to help identify the issues and actions in this business plan. The model shows that we must differentiate between strategic management and operational management. Within the former, any organization must have a mission, a vision and a set of strategies. Within operational management, we must address the key areas of leadership, organizational structure, operational decision-making, control/accountability of the organization, and communications, both within the organization and overall in the Metis Settlements' community.

Exhibit 2 - The Business Plan Model



OBJECTIVES FOR 1998

The Tribunal developed a number of goal-oriented objectives to fulfill its mandate. This achievement is the result of commitment and dedication from members and staff and support from the Metis Settlements General Council and the Ministry of Intergovernmental and Aboriginal Affairs. These objectives are:

- To develop more communications with the Minister's Office, Transition Commission and General Council to facilitate administrative matters.
- To meet periodically with Settlement councils to discuss the role of the Tribunal.
- To continue to modify and adapt the Tribunal judicial processes to suit the needs of each unique appeal.
- To provide training to all Tribunal members in alternative dispute resolution (ADR).
- To develop educational workshops for Settlement members on the process and purpose of the Tribunal.
- To provide a formal orientation process for the newly appointed tribunal member.



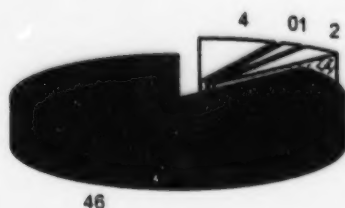
PERFORMANCE MEASURES FOR 1998

The Tribunal's success is measured by the degree of fairness delivered through its justice system. In all requests and appeals brought before the Metis Settlements Appeal Tribunal, the Tribunal must consider all factors affecting the appeal before reaching a decision. To achieve this, the Tribunal bases its decisions on: the application of the Metis Settlements Act; General Council policies and by-laws; evidence and facts presented before the Tribunal and traditional settlement customs. These investigative and decision making processes must be thorough, impartial and free from irrelevant information and external influences, to ensure parties who come before the Tribunal have equal opportunity for a fair hearing.



DECISIONS ISSUED BY THE TRIBUNAL IN 1998

Land	4
Membership	0
Other - Section 189 (1) (f)	1
Land Access & Compensation	2
Surface Rights Amendments (Right of Entry Orders)	46
TOTAL	53



- ☐ Land
- ☒ Membership
- ☐ Other - Section 189 (1) (f)
- ☐ Land Access & Compensation
- ☒ Surface Rights Amendments (Right of Entry Orders)



SCHEDULE OF EXPENSES DETAILED BY OBJECT

		1998 BUDGET	1998 ACTUAL	1997 ACTUAL
Salaries, Wages and Employee Benefits	\$	308,000.00	\$ 214,947.00	\$ 215,500.00
Supplies and Services		<u>650,000.00</u>	<u>663,933.00</u>	<u>590,000.00</u>
		<u>958,000.00</u>	<u>878,880.00</u>	<u>805,500.00</u>



LOOK TO THE FUTURE

The Tribunal has gone through many changes in various different stages since its inception in 1991. These changes helped develop a Tribunal that has increased confidence in carrying out its role. The Tribunal will continue to offer alternative dispute resolution processes. By encouraging alternative dispute resolution the Tribunal hopes to strengthen community relationships and improve self-governance on the Metis settlements.

In November, 1998 a new Metis Settlements Appeal Tribunal was appointed. The Chairman of the Metis Settlements Appeal Tribunal is appointed by the provincial Minister of Intergovernmental and Aboriginal Affairs from a list provided by the Metis Settlements General Council. Three members are appointed by resolution of the General Council and the Minister appoints three members. This process takes place every four years.



NEW APPOINTEES:

The seven members on the Tribunal are:

John Brosseau, Member
Wayne Cardinal, Member
Phyllis Collins, Vice - Chairperson
Stan Delorme, Vice - Chairman
Don Fleming, Member
Floyd Flett, Member
Harry Supernault, Chairman

The Existing Leases Land Access Panel is a standing panel of the Tribunal. which deals exclusively with those companies that already held a mineral lease on November 1, 1990 but now require additional surface access.

The Tribunal will continue to strive to foster a productive and responsible justice system that meets the needs of Metis settlement members.

The current ELLAP consists of the following five members:

Wayne Carter, Chairman
Merv Henkelman
Tom Parenteau
Dennis Reid
Dave Smith

APPENDIX A

METIS SETTLEMENTS APPEAL TRIBUNAL (MSAT) ORDERS ISSUED FOR

December 1997 – December 1998

- | | |
|---------------------|---|
| Order No. 83 | Land Dispute - Hazel Vicklund/Clarence Cunningham/Peavine
Metis Settlement
Date of order issued: July 24, 1998 |
| Order No. 84 | Land Conversion Dispute - Theresa Desjarlais/Elizabeth Metis
Settlement
Date of order issued: September 22, 1998 |
| Order No. 85 | Estate Matter – Greg Quintal/Jeff Quintal/Elizabeth Metis
Settlement
Date of order issued: September 22, 1998 |
| Order No. 86 | Lease/Loan Agreement – Thane Dumont/Fishing Lake Metis
Settlement
Date of order issued: October 21, 1998 |
| Order No. 87 | Land Conversion Dispute – Lawrence Brosseau/Fishing Lake
Metis Settlement
Date of order issued: October 21, 1998 |
-

LAND ACCESS PANEL (LAP) ORDERS ISSUED FOR

January 1998 – December 1998

- | | |
|---------------------|---|
| Order No. 9 | Compensation Dispute – Bernice Ridsdale/Arthur
Chalifoux/Paddle Prairie Metis Settlement/Stealth
Resources/Metis Settlements General Council
Date of order issued: January 28, 1998 |
| Order No. 10 | Compensation Review Dispute – Fishing Lake Metis
Settlement/Imperial Oil Resources Limited/Metis Settlements
General Council/Fishing Lake Metis Settlement members
listed in Schedule "A"
Date of order issued: March 25, 1998 |

APPENDIX B

AMENDING AND TERMINATION ORDERS GRANTED BY THE MSAT JANUARY 1, 1998 - DECEMBER 31, 1998

ORDER NO.	FILE NO.	SETTLEMENT	ORDER TYPE	OIL COMPANY	ROE #	COMP #
0001/98	150075	Paddle Prairie	Amending	Petro-Canada Inc to Stealth Resources Ltd.	113/77	214/78
0002/98	150078	Paddle Prairie	Amending	Petrofina Canada Ltd. to Stealth Resources Ltd.	116/77	
0003/98	150078	Paddle Prairie	Amending	Petrofina Canada Ltd. to Stealth Resources Ltd.		210/78
0004/98	160071	Fishing Lake	Amending	Constellation Oil and Gas Ltd.	E1437/85	E1592/85
0005/98	11-0140	Kikino	Amending	North Canadian Oils Ltd. to Norcen Energy Resources Ltd.	E430/82	
0006/98	11-0140	Kikino	Amending	Bankeno Resources Ltd. to Norcen Energy Resources Ltd.		E1082/82
0007/98	11-0026	Kikino	Amending	North Canadian Oils Ltd. to Norcen Energy Resources Ltd.	E731/84	
0008/98	11-0026	Kikino	Amending	Bankeno Resources Ltd. to Norcen Energy Resources Ltd.	E731/84	E899/84
0009/98	11-0086	Kikino	Amending	Bankeno Resources Ltd. to Norcen Energy Resources Ltd.	0546/86	
0010/98	11-0016	Kikino	Amending	Norcen Energy Resources Ltd. to Mannville Oil & Gas Ltd.	E130/77	
0011/98	11-0123	Kikino	Amending	Canadian Natural Resources Ltd.	E357/80	
0012/98	11-0123	Kikino	Amending	Amoco Canada Resources Ltd. to Canadian Natural Resources Ltd.		E618/81
0013/98	11-0103	Kikino	Amending	Bow Valley Industries Ltd. to Canadian Natural Resources Ltd.	2276/88	0545/89
0014/98	14-0012	East Prairie	Termination	Gulf Canada Resources Ltd.	0209/88	
0015/98	12-0148	Buffalo Lake	Amending	Canadian Fina Oil Ltd. to Renaissance Energy Ltd.	73-59E	
0016/98	12-0001	Buffalo Lake	Amending	Norcen Energy Resources Ltd. to Mannville Oil & Gas Ltd.	E21/78	E11/81
0017/98	12-0010	Buffalo Lake	Amending	Norcen Energy Resources Ltd. to Mannville Oil & Gas Ltd.	E18/79	E14/81
0018/98	12-0011	Buffalo Lake	Amending	Norcen Energy Resources Ltd. to Mannville Oil & Gas Ltd.	E1201/78	E22/81
0019/98	12-0012	Buffalo Lake	Amending	Norcen Energy Resources Ltd. to Mannville Oil & Gas Ltd.	E1199/78	E20/81
0020/98	12-0088	Buffalo Lake	Amending	CFCP Resources Inc to Home Oil Company Ltd.	635/71	E115/73
0021/98	12-0056	Buffalo Lake	Amending	Unocal Canada Limited to Renaissance Energy Ltd.	2046	
0022/98	15-0221	Paddle Prairie	Amending	Solex Energy Corporation to Calahoo Petroleum Ltd.	E579/83	E173/84

APPENDIX B (CON'T)

AMENDING AND TERMINATION ORDERS GRANTED BY THE MSA/T JANUARY 1, 1998 - DECEMBER 31, 1998

ORDER NO.	FILE NO.	SETTLEMENT	ORDER TYPE	OIL COMPANY/WORK	ROE #	COMP #
0023/98	15-0211	Paddle Prairie	Amending	Solex Energy Corporation to Calahoo Petroleum Ltd.	E193/82	E426/82
0024/98	15-0210	Paddle Prairie	Amending	Solex Energy Corporation to Calahoo Petroleum Ltd.	E1879/81	E425/82
0025/98	15-0209	Paddle Prairie	Amending	Solex Energy Corporation to Calahoo Petroleum Ltd.	E1878/81	E424/82
0026/98	15-0175	Paddle Prairie	Amending	Solex Energy Corporation to Calahoo Petroleum Ltd.	E269/80	E195/81
0027/98	15-0167	Paddle Prairie	Amending	Solex Energy Corporation to Calahoo Petroleum Ltd.	E43/80	E194/81
0028/98	15-0201	Paddle Prairie	Amending	Imperial Oil Resources Ventures Ltd. to Kaiser Energy Ltd.	E302/81	E1922/81
0029/98	15-0128	Paddle Prairie	Amending	Imperial Oil Resources Ventures Ltd. to Kaiser Energy Ltd.	E55/78	E117/81
0030/98	15-0187	Paddle Prairie	Amending	Imperial Oil Resources Ventures Ltd. to Kaiser Energy Ltd.	E328/80	E123/81
0031/98	15-0207	Paddle Prairie	Amending	Imperial Oil Resources Ventures Ltd. to Kaiser Energy Ltd.	E687/81	E1923/81
0032/98	15-0166	Paddle Prairie	Amending	Imperial Oil Resources Ventures Ltd. to Kaiser Energy Ltd.	E1559/79	E121/81
0033/98	15-0010	Paddle Prairie	Amending	Imperial Oil Resources Ventures Ltd. to Kaiser Energy Ltd.	E814/75	E190/78
0034/98	17-0060	Gift Lake	Termination	Amoco Canada Resources Ltd.	E243/85	
0035/98	18-0013	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	E294/79	E929/81
0036/98	18-0015	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	E359/79	E931/81
0037/98	18-0025	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	E1588/81	E576/84
0038/98	18-0027	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	E406/83	E1470/83
0039/98	18-0028	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	E407/83	E185/84
0040/98	18-0043	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	E807/85	E1584/85
0041/98	18-0085	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	2304/88	2540/88
0042/98	18-0086	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	0012/89	0539/89
0043/98	18-0087	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	0013/89	0540/89
0044/98	18-0088	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	0014/89	0541/89
0045/98	18-0090	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	0450/89	0854/89
0046/98	18-0091	Elizabeth	Amending	Cody Energy Canada Limited to Enermark Inc.	0451/89	0855/89